

REV. McCAFFREY'S DÉFENCE.

TREMENDOUS LYING ON ONE SIDE OR THE OTHER—THE DECISION NOT YET RENDERED.

The continuation of the examination on the complaint of Mrs. Leavitt against Rev. Dominic M. McCaffrey, before Justice Smith, at Fifty-seventh Street Police Court, yesterday afternoon, was chiefly remarkable for the conflict of testimony of which was the occasion. It will be remembered that on the previous hearing the evidence of the complainant was to the effect that when she visited Mr. McCaffrey's church he was alone and that no one saw or heard what passed between them. In yesterday's examination three witnesses besides the defendant swore they were present when she called.

Mr. T. M. Tyng, of counsel for defendant, before calling the witnesses for the defense, commented on the case as it stood and briefly referred to the proof he should introduce. It was then called Miss Delia McCaffrey, sister of the defendant. Mrs. McCaffrey testified that she was present when Mrs. Leavitt called on her brother on the occasion of the alleged visit; Mrs. Leavitt had help, and Mr. McCaffrey, not noticing her, hesitated about giving her any aid; witness advised him to give her something, and he finally consented to do so, giving her two broad tickets and a small package of tea; she gave him, in return, a large gold chain, and left. Mr. McCaffrey had a large sum of money, but put his hands upon her; neither did he say to her that "I love you," nor molest her in any way. This was the interview in which she swears she assaulted him. Mrs. Leavitt, Mrs. James A. Bates, members of the Church of Our Saviour, were present, also; they had called to assist in the preparation for a church concert, soon to be given.

Two silent women, Mrs. Gainsford and Mrs. Weston, next called and corroborated the evidence given by Miss McCaffrey. They saw Mrs. Leavitt call; heard her speak; and saw Mr. McCaffrey give her a bread ticket and a quarter pound of tea; saw Miss McCaffrey give her a bundle of cloths, and a large gold chain; and heard Mr. McCaffrey assented to the visit. This statement was considered noteworthy from the fact that nearly the entire congregation attended court whenever the case has been on, and that the two silent women have been of conversation wherever two or three of them have gathered about the court building.

Mr. McCaffrey was next called and told to prove much the same story as Mrs. Leavitt had told him, and left there without any compliment of a Mrs. L. Ward, but because the congregation was too poor to pay his salary. Something transpired on the occasion of his visit to Mrs. Leavitt's house, he said that Mr. Leavitt had come down on him, and that he had made a complaint against him, (witness) before Judge Smith, and that nobody would believe his word since the Beccar he said he had better give some money to settle it. Mrs. Leavitt, witness said, nodded her head and said her children were starving. Her husband, she said, was a painter by trade, and a lesser who did not much help them. "Then," said he, "I gave her two broad tickets and a little tea, and my husband got a few tickets, a cloth, and a chain, and this was all I got." Witness never assured her and never said "I love you."

To Justice Smith Mr. McCaffrey said he was once connected with the congregation, and left there without any compliment of a Mrs. L. Ward, but because the congregation was too poor to pay his salary. Something transpired on the occasion of his visit to Mrs. Leavitt's house, he said that Mr. Leavitt had come down on him, and that he had made a complaint against him, (witness) before Judge Smith, and that nobody would believe his word since the Beccar he said he had better give some money to settle it.

Mr. McCaffrey was next recalled and denied having ever had such a conversation. He also stated that he did not ask Mr. McCaffrey for money nor mention Mr. Beccar.

Mrs. Bennett, also recalled, said that she did not take any part but that of a silent spectator at the interview between Mr. McCaffrey and Mr. Leavitt at the latter's home, and that any assertion to the contrary was wholly untrue.

After the examination of these witnesses Justice Smith said he would consider the evidence and give a decision on the case in a few days.

REAL ESTATE.

The attendance of buyers at the Real Estate Exchange yesterday was quite large, and seven parcels were disposed of by auction in foreclosure. The most important sale to day will be by Louis Messier, who will at noon sell the four-story brick house in Fourteenth street, recently occupied by L. Delmonico. The building, with lots of lot for twenty-one years from February 1st, with privilege of renewals, at a ground rent of \$5,000 per year, will be disposed of to the highest bidder, and the remainder within thirty days. Yesterday's day's sales are as follows:

By E. A. LAWRENCE, on account of non-payment of taxes, a plot of land, 23x300 ft., on the s. e. corner of 10th and 2d av., to Oliver Beatty, for \$1,000.

Foreclosure sale, on account of non-payment of taxes, a plot of land, 23x300 ft., on the s. e. corner of 10th and 2d av., to Charles Wright, for \$1,000.

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